



I hereby certify that this correspondence is being deposited with the United States Postal Service addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 10, 2005.

William R Allen

William R. Allen, Reg. No. 48,389

10 January 2005
Date

\$ JFW
PATENT

Serial No.: 10/711,385

Filed: September 15, 2004

Art Unit: 2832

Applicant(s): Bogdan Radu

Title: FLIP PACK SWITCH ASSEMBLY WITH ELECTROLUMINESCENT LAMP
AND INJECTION MOLDING METHOD OF MAKING SAME

Atty. Docket: MASL-58

Conf. No: 5384

01/19/2005 BABRAHA1 00000038 233000 10711385

Cincinnati, Ohio 45202

03 FC:1463
January 10, 2005

200.00 DA

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

01/19/2005 BABRAHA1 00000038 233000 10711385

02 FC:1251 120.00 DA

Sir:

PETITION UNDER 37 C.F.R. § 1.47(b)
TO ACCEPT UNSIGNED DECLARATION AND
RESPONSE TO NOTICE TO FILE MISSING PARTS

In response to the Notice to File Missing Parts mailed October 19, 2004,

Applicant hereby petitions the Patent Office to accept the enclosed Declaration executed by Mr.

Bill C. Panagos, Assistant Secretary and Chief Intellectual Property Counsel of Lear Corporation,

on behalf of Lear Corporation, the sole inventor of the above-referenced invention. Attached is a

Statement of Facts in support of Mr. Bill C. Panagos executing on behalf of the non-signing

inventor.

As indicated in the accompanying Statement of Facts, the above-referenced application names Lear Corporation as the Applicant. Lear Corporation has sufficient proprietary interest in the subject invention to justify filing the application, and acceptance of this petition is requested to preserve the rights of Lear Corporation or to prevent irreparable damage.

This is authorization for the Commissioner to charge \$200.00 for the petition fee, as well as the \$120.00 one month extension fee, to Deposit Account 23-3000. Applicant believes that no other fees are due in connection with this petition. However, if such petition is due or any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.



William R. Allen
Reg. No. 48,389

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324
K:\MASL\58\1.47b petition.wpd



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/711,385
Filed: September 15, 2004
Art Unit: 2832
Applicant(s): Bogdan Radu
Title: FLIP PACK SWITCH ASSEMBLY WITH ELECTROLUMINESCENT
LAMP AND INJECTION MOLDING METHOD OF MAKING SAME
Atty. Docket: MASL-58
Conf. No: 5384

Cincinnati, Ohio 45202

January 10, 2005

the specification of which:

- (a) ☐ is attached hereto
- (b) ☒ was filed on September 15, 2004, as Application Serial No. 10/711,385
and was amended on _____ (*if applicable*).
- (c) ☐ was described and claimed in International Application No. _____
_____ filed on _____ and as amended on _____
(*If any*).

**STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NON-SIGNING INVENTORS (37 CFR §1.47)**

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the non-signing inventors for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

(*check next item, if applicable*)

- (☒) Because signing on behalf of the non-signing inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

William R. Allen

Name

Wood, Herron & Evans, L.L.P., 2700 Carew Tower, 441 Vine Street
Cincinnati, Ohio 45202

Address

LAST KNOWN ADDRESS OF THE NON-SIGNING INVENTOR

Bogdan Radu

Name of non-signing inventor

16011 Knollwood Drive, Dearborn, Michigan 48120

Last known address of non-signing inventor

STATEMENT OF FACTS

I am a patent attorney for the law firm of Wood, Herron & Evans, LLP. On, or about, June 22, 2004, I began corresponding with Bogdan Radu to enable me to prepare the above referenced and now filed U.S. patent application. At that time, Mr. Radu was an employee of Lear Corporation. The invention was made by Mr. Radu while employed by Lear Corporation. Mr. Radu agreed in writing to assign all inventions made during employment to Lear Corporation, as evidenced by the "Employee Confidential Information and Intellectual Property Agreement" attached as Exhibit A. It is apparent that Mr. Radu signed this document on October 17, 2001.

Mr. Radu participated in an initial phone conference on or about June 22, 2004 during which we discussed the subject matter of this application. Between June 22, 2004 and August 19, 2004, I had several telephone discussions with Mr. Radu regarding additional information that Mr. Radu agreed to supply during the initial phone conference for the purpose of assisting in the preparation of the patent application. On August 19, 2004, I received a letter

from Mr. Radu's newly hired counsel, Karen Smith Kienbaum, as an e-mail attachment, requesting that all contact with Mr. Radu be ceased. A copy of this correspondence is attached as Exhibit B.

After receiving the letter from Ms. Kienbaum on August 19, 2004, I proceeded complete the application based upon information received from Mr. Radu. On September 15, 2004, Lear Corporation authorized me to file the U.S. application subsequently accorded Application Serial No. 10/711,385 with the U.S. Patent & Trademark Office along with the Declaration of Exhibit C unsigned by Mr. Radu.

On October 26, 2004, a copy of the patent application and a Declaration were forwarded along with a letter to Mr. Radu's counsel requesting execution of the Declaration by Bogdan Radu. This letter further requested that the executed Declaration be received by November 19, 2004. A copy of the letter is attached as Exhibit D, which also includes a copy of a signed delivery receipt. To date, I have received neither a response to my letter nor a signed Declaration.

In view of the above, it is hereby requested that the U.S. Patent & Trademark Office accept the previously submitted Declaration of Mr. Bill C. Panagos, who is Assistant Secretary and Chief Intellectual Property Counsel of Lear Corporation, in accordance with 37 C.F.R. 1.47(b). Because Lear Corporation has sufficient proprietary interest in the subject invention to justify filing the application, acceptance of the signature of Mr. Panagos on behalf of Bogdan Radu is required to preserve the rights of Lear Corporation and to prevent irreparable damage which will result if the above-referenced application becomes abandoned.

Date: 10 January 2005

William R. Allen
William R. Allen
Reg. No. 48.389



EMPLOYEE CONFIDENTIAL INFORMATION

AND

INTELLECTUAL PROPERTY AGREEMENT

In accord with company policy applicable to me and employees in comparable positions, and in consideration of my employment or continuation of employment by Lear Corporation, Manufacturing Operations Division, or any of its subsidiary or affiliated Companies (hereinafter for convenience referred to as "Lear"), I agree as follows:

All improvements, inventions, designs, and useful ideas conceived or made by me during my employment, or for three (3) years following my employment if based upon information I learned during my employment, which relate in any way to Lear's business shall be disclosed promptly in writing, drawing, or other tangible form to Lear and shall be its exclusive property. When requested, I agree to return to Lear all tangible embodiments therein together with all copies thereof and to execute applications, assignments, and other instruments to convey to Lear the exclusive right, title, and interest therein, and to render all other assistance which Lear deems necessary to make application for and obtain patents, trademarks or copyrights in the United States and other countries. This obligation shall continue beyond the term of my employment as to improvements, inventions, designs, and useful ideas conceived or made during the periods specified above.

I also agree that I will not, either during or after my employment, disclose or use any confidential or secret information pertaining to Lear's business, without permission of Lear in writing, nor otherwise engage in any activity detrimental to Lear's interests.

ACCEPTED _____ SIGNED *Reesh Boyd*
Lear Representative Employee

DATE _____ DATE 17 Oct 2001

A law practice emphasizing Labor, Employment
and Alternate Dispute Resolution (ADR)



KAREN SMITH KIENBAUM & ASSOCIATES
400 Monroe, Suite 470, Detroit, MI 48226
313 967-0700/fax 313 967-0244/www.ksklaw.com

August 19, 2004

Transmitted by Email

CONFIDENTIAL

Stephen W. Benintendi, Esq.
WOOD, HERRON AND EVANS
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202-2917

Re: Mr. Bogdan Radu

Dear Mr. Benintendi,

Our office represents Mr. Bogdan Radu (patent applications #04961, #04962, #04981). Your client LEAR CORPORATION has recently terminated Mr. Radu. Therefore, because LEAR no longer employs Mr. Radu, we ask that your office refrain from contacting him regarding any of his patent submissions, or for any other matter. Hopefully Mr. Radu will be able to work out an agreement with LEAR that will allow him to continue to work with you and your firm as a consultant regarding any pending patents.

Thank you in advance for your anticipated cooperation. If you have any questions please feel free to contact my office at (313) 967-0700. If I am not available please speak with my colleague, Darren Burmania.

Sincerely,

KAREN SMITH KIENBAUM & ASSOCIATES

Karen Smith Kienbaum

KSK:lm

DECLARATION, POWER OF ATTORNEY, AND PETITION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**FLIP PACK ASSEMBLY WITH ELECTROLUMINESCENT LAMP
AND INJECTION MOLDING METHOD OF MAKING SAME**

the specification of which (check one below):

- ☒ (X) is attached hereto.
- ☐ () was filed on ___ as Application Serial No. ___ or Express Mail No. ___, and was amended on ___ (if applicable).
- ☐ () was filed on ___ as PCT International Application No. ___, and as amended under PCT Article 19 on ___ (if any).

I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed?

_____	_____	_____	() Yes () No
(Number)	(Country)	Day/Month/Year Filed	
_____	_____	_____	() Yes () No
(Number)	(Country)	Day/Month/Year Filed	
_____	_____	_____	() Yes () No
(Number)	(Country)	Day/Month/Year Filed	

I hereby claim the benefit under Title 35, United States Code, §120 and/or §119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

_____	_____	_____
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)
_____	_____	_____
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)
_____	_____	_____
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)

I appoint the practitioners associated with the customer number 37,690 to be my attorneys or agents, with full power of substitute and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence and telephone calls to

William R. Allen, Ph.D.

Address of customer number 37,690
Telephone (513) 241-2324
Facsimile (513) 241-6234

I request that the United States Patent and Trademark Office grant a U.S. patent for the invention described and claimed in the specification identified above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of Inventor Bodgan Radu

Inventor's Signature _____ Date _____

Residence City/State Dearborn, Michigan 48120 Citizenship Canada

Post Office Address 16011 Knollwood Drive, Dearborn, Michigan 48120

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <i>Lisa McCurdy</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Karen Smith Kienbaum, Esq. 400 Monroe, Suite 470 Detroit, Michigan 48226		B. Received by (Printed Name) <i>Lisa McCurdy</i> C. Date of Delivery <i>10/28/04</i>	
2. Article Number (Transfer from service label) 7004 0550 0001 3918 9480		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
PS Form 3811, February 2004		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
Domestic Return Receipt		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

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Total Postage & Fees	\$ 5.57
Sent To Karen Smith Kienbaum, Esq. Street, Apt. No., or PO Box No. 400 Monroe Suite 470 City, State, ZIP+4 Detroit, Michigan 48226	

PS Form 3800, June 2002

See Reverse for Instructions

WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
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KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
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BEVERLY A. LYMAN, Ph. D.

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FACSIMILE: 513-241-6234

WEBSITE: www.whepatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN
C. RICHARD EBY
DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.
KATHRYN E. SMITH
KRISTI L. DAVIDSON
P. ANDREW BLATT, Ph. D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, Ph. D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
WESLEY L. STRICKLAND*
STEVEN W. BENINTENDI, Ph. D.
RANDALL S. JACKSON, JR.

*ADMITTED ONLY IN D.C. AND VA

October 26, 2004

Certified Mail
Return Receipt Requested

Karen Smith Kienbaum, Esq.
Karen Smith Kienbaum & Associates
400 Monroe
Suite 470
Detroit, MI 48226

Re: Mr. Bogdan Radu
Patent Application No. 10/711,385, filed 9/15/2004
**FLIP PACK SWITCH ASSEMBLY WITH ELECTROLUMINESCENT
LAMP AND INJECTION MOLDING METHOD OF MAKING SAME**
Our ref: MASL-58; Lear No. 05016

Dear Ms. Kienbaum,

Your correspondence to us, dated August 19, 2004, requested we refrain from contacting Mr. Radu regarding any of his patent submissions, or for any other matter. Accordingly, I am contacting you as legal counsel for Bogdan Radu and trust that you will promptly communicate this to your client.

As you are aware, Bogdan Radu is currently named as an inventor in the above-identified patent application (copy enclosed). As such, please also find enclosed a Declaration, and an Assignment for execution by Mr. Radu. Finally, we have enclosed a document entitled §1.56 Duty to Disclose Information Important to Patentability which needs to be initialed by Mr. Radu. Please note that the §1.56 Duty to Disclose Information Important to Patentability form explains the importance of disclosing to us all information known by Mr. Radu that may be relevant to the invention so that we may forward it, as required, to the U.S. Patent and Trademark Office.

7004 0550 0001 3918 9480

Karen Smith Kienbaum, Esq.
October 26, 2004
Page 2

In view of the recent filing of this patent application, the enclosed Declaration and Assignment must now be executed and filed with the U.S. Patent and Trademark Office. It is our understanding that Mr. Radu is required to assign his rights in this application to Lear Corporation (see enclosed "Employee Confidential Information and Intellectual Property Agreement").

Kindly attend to the execution of the enclosed documents by Mr. Radu. Prior to his execution of the Declaration and the Assignment, please verify that his information is correct as presented on the documents. When Mr. Radu executes these documents, be sure that blue ink is used. Please also note that the Assignment must be notarized.

Please forward the executed documents to us so that we receive them no later than Friday, November 19, 2004. You may fax the documents to my attention at the number listed above, and send the executed originals via regular mail.

If you have any questions, please do not hesitate to call.

Very truly yours,



William R. Allen, Ph.D.

WRA:sad

Enclosures

cc (via e-mail): Larry I. Shelton, Esq. (w/o enclosures)
Kevin G. Rooney, Esq. (w/o enclosures)

DECLARATION, POWER OF ATTORNEY, AND PETITION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**FLIP PACK ASSEMBLY WITH ELECTROLUMINESCENT LAMP
AND INJECTION MOLDING METHOD OF MAKING SAME**

the specification of which (check one below):

- ☐ is attached hereto.
- ☒ was filed on September 15, 2004 as Application Serial No. 10/711,385 or Express Mail No. ____, and was amended on ____ (if applicable).
- ☐ was filed on ____ as PCT International Application No. ____, and as amended under PCT Article 19 on ____ (if any).

I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed?

_____	_____	_____	() Yes () No
(Number)	(Country)	Day/Month/Year Filed	
_____	_____	_____	() Yes () No
(Number)	(Country)	Day/Month/Year Filed	
_____	_____	_____	() Yes () No
(Number)	(Country)	Day/Month/Year Filed	

I hereby claim the benefit under Title 35, United States Code, §120 and/or §119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

_____	_____	_____
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)
_____	_____	_____
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)
_____	_____	_____
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)

I appoint the practitioners associated with the customer number 37,690 to be my attorneys or agents, with full power of substitute and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence and telephone calls to

William R. Allen, Ph.D.

Address of customer number 37,690
Telephone (513) 241-2324
Facsimile (513) 241-6234

I request that the United States Patent and Trademark Office grant a U.S. patent for the invention described and claimed in the specification identified above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of Inventor Bodgan Radu

Inventor's Signature _____ Date _____

Residence City/State Dearborn, Michigan 48120 Citizenship Canada

Post Office Address 16011 Knollwood Drive, Dearborn, Michigan 48120

ASSIGNMENT OF INVENTION AND PATENTS THEREON

WHEREAS, I (we), **Bogdan Radu** of **16011 Knollwood Drive, Dearborn, Michigan 48120** have invented a new and improved **FLIP PACK ASSEMBLY WITH ELECTROLUMINESCENT LAMP AND INJECTION MOLDING METHOD OF MAKING SAME**, for which I (we) executed an application for Letters Patent of the United States on _____.

I (we) hereby grant the firm of **Wood, Herron & Evans, L.L.P.**, the power to insert in this Assignment any further identification or information, including Declaration execution date(s) (above), Serial No. and/or Filing date in spaces that follow, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Serial No.: 10/711,385 Filing Date: September 15, 2004

WHEREAS, **Lear Corporation**, a corporation organized under the Laws of the State of **Delaware** and having its principal office at **21557 Telegraph Road, Southfield, Michigan 48034** desires to acquire the entire interest in and to the subject-matter disclosed in said application and in and to all patents issued or to be issued thereon.

NOW, THEREFORE, to all whom it may concern, be it known that, for and in consideration of the sum of One Dollar to me (us) in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I (we) have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the said **Lear Corporation** my (our) entire right, title and interest in and to the subject-matter disclosed in said application and in and to all Letters Patent Domestic and Foreign issued or to be obtained thereon, including all rights and interests with priority rights under the Paris Convention for the Protection of Industrial Property, the International Patent Cooperative Union, European Patent Convention, Common Market Convention, or any other Convention or Union for each country of said Convention or Union; and I do hereby authorize and request the Commissioner of Patents to issue the Letters Patent granted on said application and all future patents granted upon the subject-matter disclosed therein to the above named Assignee, its legal representatives and assigns.

Witness my hand this ____ day of _____, 2004.

Bogdan Radu, Inventor

STATE OF _____)
) ss.
COUNTY OF _____)

On this ____ day of _____, 2004, before me personally appeared **Bogdan Radu**, to me known and known to me to be the **Individual** aforesaid, who duly acknowledged the signing of the foregoing instrument to be his voluntary act and deed and who executed the same for the uses and purposes therein specified.

Notary Public

(Seal)

§1.56 Duty To Disclose Information Material To Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine; (1) prior art cited in search reports of a foreign patent office in a counterpart application, and (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) it refutes, or is inconsistent with, a position the applicant takes in:

(i) opposing an argument of unpatentability relied on by the Office, or

(ii) asserting an argument of patentability. A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) each inventor named in the application;

(2) each attorney or agent who prepares or prosecutes the application;
and

(3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

INFORMATION OF INTEREST TO EXAMINER

(1) Any knowledge of the subject matter by persons other than the inventors prior to the date of invention.

(2) Patents granted more than one year prior to the filing date or filed in the Patent and Trademark Office before the date of invention.

(3) Publications printed more than one year prior to the filing date or filed in the Patent and Trademark Office before the date of invention.

(4) A public use, sale or offer for sale more than one year prior to the filing date of the application.

If you are aware of any prior knowledge but are not certain as to whether or not it must be called to the attention of the Examiner, please advise me. Please err on the side of telling me more than I need to know.

Inventor Initials

Date

No material information to report at this time.

Material information attached.

(Inventor, please initial and return to William R. Allen, Wood, Herron & Evans, L.L.P., 2700 Carew Tower, Cincinnati, OH 45202)



EMPLOYEE CONFIDENTIAL INFORMATION

AND

INTELLECTUAL PROPERTY AGREEMENT

In accord with company policy applicable to me and employees in comparable positions, and in consideration of my employment or continuation of employment by Lear Corporation, Manufacturing Operations Division, or any of its subsidiary or affiliated Companies (hereinafter for convenience referred to as "Lear"), I agree as follows:

All improvements, inventions, designs, and useful ideas conceived or made by me during my employment, or for three (3) years following my employment if based upon information I learned during my employment, which relate in any way to Lear's business shall be disclosed promptly in writing, drawing, or other tangible form to Lear and shall be its exclusive property. When requested, I agree to return to Lear all tangible embodiments therein together with all copies thereof and to execute applications, assignments, and other instruments to convey to Lear the exclusive right, title, and interest therein, and to render all other assistance which Lear deems necessary to make application for and obtain patents, trademarks or copyrights in the United States and other countries. This obligation shall continue beyond the term of my employment as to improvements, inventions, designs, and useful ideas conceived or made during the periods specified above.

I also agree that I will not, either during or after my employment, disclose or use any confidential or secret information pertaining to Lear's business, without permission of Lear in writing, nor otherwise engage in any activity detrimental to Lear's interests.

ACCEPTED _____
Lear Representative

SIGNED *Reed Boyd*
Employee

DATE _____

DATE 17 Oct 2001